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7 Attorneys for Plaintiff

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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 MERCY MESIANO

13 Plaintiff,

14 v.

15 ERICA L. BRACHFELD AND  
16 LAW OFFICES OF BRACHFELD  
17 & ASSOCIATES, PC

18 Defendants.

19 Case No.: 09 CV 1046 MMA BLM

20 **JOINT MOTION FOR LEAVE**  
**FOR PLAINTIFF TO FILE A**  
**FIRST AMENDED COMPLAINT**

21 HON. MICHAEL M. ANELLO

FILED: MAY 13, 2009

TRIAL DATE: OCTOBER 12, 2010

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1 Plaintiff, Mercy Mesiano, and Defendants, Erica L. Brachfeld and Erica L.  
2 Brachfeld, A.P.C., hereby submit this Joint Motion allowing Plaintiff leave to file  
3 her First Amended Complaint.

4 The parties agree that Defendants Erica L. Brachfeld and Erica L. Brachfeld,  
5 A.P.C. are not required to file amended answers in response to Plaintiff's First  
6 Amended Complaint. Defendants Erica L. Brachfeld and Erica L. Brachfeld,  
7 A.P.C.'s answers already on file with the court will be deemed answers to Plaintiff's  
8 First Amended Complaint. If either Defendant so chooses, they may file an  
9 amended answer within 10 days of Plaintiff's filing of the First Amended  
10 Complaint, although an amended answer is not required.

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12 Respectfully submitted,

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14 Date: January 19, 2010

**Hyde & Swigart**

15  
16 s/ Joshua B. Swigart  
17 Joshua B. Swigart  
18 Attorneys for the Plaintiff  
19 Mercy Mesiano

20  
21 Date: January 19, 2010

**Carlson & Messer, LLP**

22  
23 s/ Michael P. Lavigne  
24 Charles R. Messer  
Michael P. Lavigne  
25 Attorneys for the Defendants,  
Erica L. Brachfeld and  
Erica L. Brachfeld, A.P.C.